



8/1768

Acts and Laws,

Passed by the Great and General Court or Assembly
of His Majesty's Province of the *Massachusetts-*
Bay, in *New-England* : Begun and held at *Boston*,
upon Wednesday the thirty-first Day of *May*,
1769.

CHAP. I.

An Act for granting unto His Majesty several Rates and Duties of Impost and Tunnage of Shipping.

WE His Majesty's most dutiful and loyal Subjects the Representatives of the Province of the Massachusetts-Bay, in New-England, being desirous of lessening the public Debts, have chearfully and unanimously given and granted ; and do give and grant to His Most Excellent Majesty, for the Service of this Province, as they shall hereafter apply it, the several Duties of Impost upon all Liquors, Wares, Goods and Merchandise, that shall be imported into this Province, and Tunnage of Shipping, hereafter mentioned ; and pray that it may be enacted :

And be it accordingly enacted by the Governor, Council, and House of Representatives, That from and after the Tenth Day of July, One thousand seven hundred and sixty-nine, to the Tenth Day of July, One thousand seven hundred and seventy, and until the End of the Impost to be then next Session of the General Court, there shall be paid by the Importers of all Wines, Rum, and other Liquors, Goods, Wares and Merchandise, that shall be imported into this Province by any of the Inhabitants thereof, (except what is by this Act hereafter exempted) the several Duties of Impost following, viz.

From July 10, 1767, to July 11, 1770,

5 N

For

Rates of Impost.

For every Pipe of Wine of every Sort, *Five Shillings.*For every Hogshead of Rum, containing One hundred Gallons, *Eight Shillings.*For every Hogshead of Tobacco, *Ten Shillings.*

And for all other Commodities, Goods or Merchandise not mentioned or not excepted, *Four Pence* for every *Twenty Shillings* Value; excepting such Goods and Merchandise, the Produce of *Great-Britain*, and also Foreign Goods and Merchandise imported from *Great-Britain*, either directly or through the Channel of any of his Majesty's Colonies; Provided such Foreign Goods and Merchandise have paid the Duties required by Act of Parliament.

for Liquors,
Goods, &c.
belonging to
Inhabitants of
other Provin-
ces.

And for any of the Liquors, Goods, Wares and Merchandise that shall be imported into this Province, by any of the Inhabitants of the other Provinces or Colonies on this Continent, or of the English *West-India Islands*, in any Ship or Vessel to them belonging, on the proper Account of any of the said Inhabitants of said Provinces, Colonies or Islands, there shall be paid by the Importers the several Duties of Impost following, viz.

For every Pipe of Wine of every Sort, *Ten Shillings.*For every Hogshead of Rum, containing One Hundred Gallons, *Sixteen Shillings.*For every Hogshead of Sugar, *Eight Pence.*For every Hogshead of Molasses, *Eight Pence.*For every Hogshead of Tobacco, *Twenty Shillings.*

And for all other Commodities, Goods and Merchandise not mentioned or not excepted, *Eight Pence* for every *Twenty Shillings* Value.

Proviso.

Provided always, That every Thing which is the Growth or Produce of the Provinces or Colonies aforesaid, (Tobacco excepted) and all Provisions, Salt, Cotton-Wool, Bar and Pig-Iron, Mohogony, Brazilitto, Black Walnut, Lignum-Vitæ, Red-Cedar, Log-Wood, Hemp, Raw Skins and Hides, and also all Prize Goods brought into and condemned in this Province, are, and shall be exempted from every the Rates and Duties aforesaid.

Masters of
Vessels to
make Report
within 48
Hours after
Arrival, and
deliver a Ma-
nifest to the
Commissioner

And be it further enacted, That the Master of every Ship or Vessel coming into this Province from any other Place, shall within Forty-eight Hours after his Arrival in any Port or Harbour, and before Bulk is broken, make Report, and deliver a Manifest in Writing under his Hand, to the Commissioner of Impost that is or shall be appointed by this Province of the Contents of Loading of such Ship or Vessel, therein particularly expressing the Species, Kind and Qualities of all Wines, Liquors, Goods, Wares and Merchandise imported in any such Ship or Vessel, with the Marks and Numbers thereof, and to whom the same are consigned, and make Oath before the Commissioner, that the same Manifest contains a just and true Account of all the Lading taken on board and imported in such Ship or Vessel, so far as he knows or believes; and that if he knows of any more Wines, Liquors, Goods, Wares or Merchandise laden on board such Ship or Vessel, and imported therein, he shall forthwith make Report thereof to the Commissioner aforesaid, and cause the same to be added to his Manifest.

To forfeit in
case of break-
ing Bulk.

And be it further enacted, That if the Master of any Ship or Vessel shall break Bulk, or suffer any of the Wines, Liquors, Goods, Wares and Merchandise, imported in such Ship or Vessel, to be unladen before Report and Entry thereof be made, as aforesaid, he shall forfeit the Sum of *One Hundred Pounds.*

*And*

Duties of Impost and Tunnage of Shipping.

405

And be it further enacted, That all Merchants and other Persons, being Owners of any Wines, Liquors, Goods, Wares or Merchandise imported into this Province (for which any of the Rates or Duties aforesaid are payable) or having the same consigned to them shall make Entry thereof with the Commissioner aforesaid, and produce an Invoice of all such Goods as pay *ad Valorem*, and make Oath before him in the Form following, *viz.*

Invoice to be produced.

YOU A. B. do swear, that the Entry of Goods and Merchandise by you made, and the Value thereof annexed is Bona Fide according to your best Skill and Judgment, agreeable to the Price Current or the Market Price of the said Goods. So help you GOD.

Which Oath the Commissioner or Receiver appointed in Consequence of this Act, is hereby empowered and directed to administer.

AND the Owners aforesaid shall pay the said Commissioner, or give Security to pay, the Duty of Impost by this Act required, before such Wines, Liquors, Goods, Wares, or Merchandise be landed or taken out of the Vessel in which the same shall be imported: And no Wines, Liquors, Goods, Wares or Merchandise, that by this Act are liable to pay Impost or Duty, shall be landed on any Wharf, or in any Warehouse or other Place, but in the Day-time only, unless in the Presence or with the Consent of the Commissioner or Receiver, on Pain of forfeiting all Duties to be paid before Landing.

such Wines, Liquors, Goods, Wares and Merchandise, and the Lighter, Boat or Vessel out of which the same shall be landed, or put into any Warehouse or other Place; excepting only such Wines, Liquors, Goods, Wares and Merchandise, Lighter, Boat or Vessel, as shall appear to be the property of some one or more of the Inhabitants of this Province. And if any Person or Persons shall not have and produce an Invoice of the Quantities of Rum or other Liquors to him or them consigned, then the Cask wherein the same are, shall be gauged at the Charge of the Importer, that the Contents thereof may be known.

Commissioner allowed to give Credit.

Provided nevertheless, That the said Commissioner shall be and hereby is allowed to give Credit to such Person or Persons, whose Duty of Impost in one Vessel shall not exceed *Six Pounds*; which Credit shall be so limited as that he shall settle and ballance his Accompts with every Person on or before the Twenty-fifth of *March*, One thousand seven hundred and seventy; that the said Accompts may be produced to this Court as soon as may be after; and for all Entries where the Impost to be paid doth not exceed *three Shillings*, the said Commissioner shall not demand any thing, and not more than *six Pence* for any other single Entry to what Value soever.

And be it further enacted, That the Importer of all Wines, Liquors, Goods, Wares and Merchandise, from and after the Tenth Day of *July*, One thousand seven hundred and sixty-nine, and until the Tenth Day of *July*, One thousand seven hundred and seventy, and until the End of the then next Session of the General Court, by Land-Carriage or in small Vessels or Boats shall, within Twenty-four Hours after Importation, make Report and deliver a Manifest thereof to the Commissioner aforesaid, or his Deputy, therein particularly expressing the Species, Kind and Quantity of all such Wines, Liquors, Goods, Wares and Merchandise so imported, with the Marks and Numbers thereof when, how and by whom brought, and shall make Oath before the said Commissioner, or his Deputy, to the Truth of such Report, and Manifest; and shall also pay or secure to be paid, the several Duties aforesaid, by this Act charged, and chargeable upon such Wines, Liquors, Goods, Wares,

Wares and Merchandise, before the same are landed, housed, or put into any Store or Place whatsoever, under the Penalty of *Ten Pounds*.

Allowance for Leakage.

And be it further enacted, That every Merchant or other Person importing any Wines into this Province, shall be allowed *Twelve per Cent* for ordinary Leakage, besides extraordinary, provided such Wines shall not have been filled on board; and that every Hogshead, Butt or Pipe of Wine that hath two Thirds thereof leaked out, shall be accounted for Outs; and the Merchant or Importer shall pay no Duty for the same. And no Master of any Ship or Vessel shall suffer any Wines to be filled up on board, without giving a Certificate of the Quantity so filled up under his Hand, before the landing thereof, to the Commissioner or Receiver of Impost for that Port, on Pain of forfeiting the Sum of *One Hundred Pounds*. And if it may be made to appear, that any Wines imported in any Ship or Vessel, be decayed at the Time of unloading thereof, or in Twenty Days afterwards, Oath being made before the Commissioner or Receiver, that the same hath not been landed above that Time, the Duties and Impost paid for such Wines shall be repaid unto the Importer thereof.

Master allowed to detain Goods not entered or the Duty not paid

And be it further enacted, That the Master of every Ship or Vessel importing any Liquors, Wines, Goods, Wares or Merchandise shall be liable to pay the Impost for such and so much therof contained in his Manifest, as shall not be duly entered, and the Duty paid for the same, by the Person or Persons to whom such Wines, Liquors, Goods, Wares or Merchandise are or shall be consigned. And it shall and may be lawful for the Master of every Ship or other Vessel, to secure and detain in his Hands, at the Owner's Risque, all such Wines, Liquors, Goods, Wares and Merchandise, imported in any Ship or Vessel, until he receives a Certificate from the Commissioner or Receiver of Impost, that the Duty for the same is paid; and until he be paid his necessary Charges in securing the same or such Master may deliver such Wines, Liquors, Goods, Wares and Merchandise, as are not entered, unto the Commissioner or Receiver of Impost in such Port, or his Order; who is hereby empowered and directed to receive and keep the same at the Owner's Risque until the Impost thereof, with the Charges be paid, or secured to be paid, and then to deliver such Wines, Liquors, Goods, Wares or Merchandise, as such Master shall direct.

Master liable to be sued.

And be it further enacted, That the Commissioner or Receiver of Impost, in each Port, shall be and hereby is empowered to sue the Master of any Ship or Vessel, for the Impost or Duty of so much of the Lading of any Wines, Liquors, Goods, Wares or Merchandise imported therein, according to the Manifest to be by him given upon Oath aforesaid, as shall remain not entered, and the Duty of Impost therefor not paid, or secured to be paid. And where any Goods, Wares or Merchandise are such that the Value thereof is not known, whereby the Impost to be recovered of the Master for the same cannot be ascertained, the Owner or Person to whom such Goods, Wares or Merchandise are or shall be consigned, shall be summoned to appear as an Evidence at the Court where such Suit for the Impost and the Duty thereof shall be brought, and be there required to make Oath to the Value of such Goods, Wares, or Merchandise.

And

Duties of Impost and Tunnage of Shipping.

And be it further enacted, That the Ship or Vessel, with her Tackle, Apparel and Furniture, the Master of which shall make Default in any Thing by this Act required to be performed by him, shall be liable to answer and make good the Sum or Sums forfeited by such Master according to this Act, for any such Default, as also to make good the Impost or Duty for all Wines, Liquors, Goods, Wares and Merchandise not entered as aforesaid, or for which the Duty of Impost has not been paid; and upon Judgment recovered against such Master, the said Ship or Vessel, with so much of the Tackle or Appurtenances thereof, as shall be sufficient to satisfy the said Judgment, may be taken by Execution for the same. And the Commissioner or Receiver of the Impost is hereby empowered to make Seizure of the said Ship or Vessel, and detain the same under Seizure, until Judgment be given in any Suit to be commenced and prosecuted for any of the said Forfeitures, or for the Duty aforesaid; to the Intent that if Judgment be rendered for the Prosecutor or Informer, such Ship or Vessel and Appurtenances may be exposed to Sale for Satisfaction thereof, as is before provided, unless the Owners or some on their Behalf, for the releasing of such Ship or Vessel from under Seizure or Restraint, shall give sufficient Security to the Commissioner or Receiver of Impost that seized the same, to respond or satisfy the Sum or Value of the Forfeitures and Duties, with the Charges that shall be recovered against the Master thereof, upon such Suit to be brought for the same, as aforesaid; and the Master occasioning such Loss or Damage unto the Owners through his Default or Neglect, shall be liable unto their Action for the same.

And be it further enacted, That the Naval-Officer within any of Naval-Officer the Ports of this Province, shall not clear or give Passes to any Master of any Ship or Vessel outward bound, until he shall be certified by the Commissioner or Receiver of Impost, that the Duty and Impost for the Goods last imported in such Ship or Vessel are paid, or secured to be paid.

AND the Commissioner or Receiver of Impost is hereby empowered to allow Bills of Store to the Master of any Ship or Vessel importing any Wines or Liquors, for such private Adventures as shall belong to the Master or Seamen of such Ship or Vessel, at the Discretion of the Commissioner or Receiver, not exceeding *Three per cent*, of the Lading, and the Duties payable by this Act for such Wines or Liquors, in such Bills of Stores mentioned and expressed, shall be abated.

AND for the more effectual preventing Wines, Rum or other distilled Spirits being brought into this Province, from the neighbouring Governments by Land, or in small Boats or Vessels, or any other Way; and also to prevent Wines, Rum, or other distilled Spirits being first sent out of this Province, and afterwards brought into the Government again, to defraud the Government of the Duties of Impost;

Be it enacted, that the Commissioner and Receiver of the aforesaid Duties of Impost shall, and he is hereby empowered and enjoined, to appoint one or more suitable Person or Persons as his Deputy or Deputies in all such Places of this Province, where it is likely that Wine, Rum, or other distilled Spirits will be brought out of other Governments into this: Which Officers shall have power to seize the same, unless the Owner shall make it appear that the Duty of Impost has been paid therefor,

Commissioner to appoint Deputies in Places where Wines, Rum, &c. may be bro't out of other Governments.

since their being brought into or re-landed in this Government. And such Officer or Officers are impowered also to search in all suspected Places for such Wines, Rum, or other distilled Spirits, brought or re-landed in this Government, where the Duty is not paid as aforesaid, and to seize or secure the same for the Ends and Uses as in this Act is hereafter provided.

Commissioner or Deputy impowered to administer the Oaths, and to search & seize.

And be it further enacted, That the Commissioner or his Deputies, shall have Power to Administer the several Oaths aforesaid, and search in all suspected Places for all such Wines, Rum, Liquors, Goods, Wares and Merchandise as are brought into this Province, and landed contrary to the true Intent and Meaning of this Act, and to seize the same for the Uses herein after mentioned,

Tunnage of Shipping.

And be it further enacted, That there shall be paid by the Master of every Ship or other Vessel coming into any Port or Ports of this Province to Trade or Traffick, whereof all the Owners are not belonging to this Province (excepting such Vessels as belong to Great-Britain, the Provinces or Colonies of Pennsylvania, West and East-Jersey, Connecticut, New-York, New-Hampshire, Rhode-Island, and Nova Scotia,) every Voyage such Ship or Vessel doth make one Pound of good Pistol-Powder, for every Ton such Ship or Vessel is in Burthen; saving for that Part which is owned in Great-Britain, this Province, or any of the Governments aforesaid, (which are hereby exempted,) to be paid unto the Commissioner or Receiver of the Duties of Impost, and to be employed for the Ends and Uses aforesaid.

Vessels to be measured if suspected.

AND the said Commissioner is hereby impowered to appoint a meet and suitable Person to repair unto and on board any Ship or Vessel, to take the exact Measure and Tunnage thereof, in case he shall suspect the Register of such Ship or Vessel doth not express and set forth the full Burthen of the same, the Charge thereof to be paid by the Owner or Master of said Ship or Vessel before she shall be cleared, in case she appear to be of greater Burthen; otherwise to be paid by the Commissioner, out of the Money received by him for Impost, and shall be allowed him accordingly by the Treasurer in his Accompts. And the Naval-Officer shall not clear any Vessel, until he be certified also by the Commissioner, that the Duty of Tunnage for the same is paid; or that it is such a Vessel for which none is payable according to this Act.

Drawback for Wine & Rum, allowed in case.

*And be it further enacted, That when and so often as any Wine, or Rum, imported into this Province, the aforesaid Duty of Impost upon which shall have been paid agreeable to this Act, shall be re-shipped and exported from this Government to any other Part of the World, that then, and in every such Case, the Exporter of such Wines or Rum, shall make Oath at the Time of the Shipping, before the Receiver of Impost or his Deputy, that the whole of the Wine or Rum so shipped, has *Bona Fide* had the Duty of Impost aforesaid paid on the same; and shall afterwards produce a Certificate from some Officer of the Customs, that the same has been landed out of this Government, or the Master of the Vessel in which the same shall be exported, shall make Oath before the Commissioner or his Deputy, That the same has been landed and left in some Port out of the Government; and the Exporter upon producing such Certificate, or upon such Oath of the Master, make Oath, That he verily believes no Part of said Wines or Rum, has been re-landed in this Province, such Exporter shall be allowed a Drawback from the Receiver of Impost as follows, viz.*

For every Pipe of Wine, Four Shillings.

For

Duties of Impost and Tunnage of Shipping.

409

For every Hogshead of Rum, Seven Shillings.

Provided always, That if after the Shipping of such Wines, or Rum, to be exported as aforesaid, and giving Security as aforesaid, in order to obtain the Draw-back aforesaid, the Wines, or Rum, so Proviso, shipped to be exported, or any Part thereof, shall be re-landed in this Province, or brought into the same from any other Province or Colony, that then all such Wine or Rum so re-landed and brought again into this Province, shall be forfeited, and may be seized by the Commissioner aforesaid or his Deputy.

And be it further enacted, That there be one fit Person and no more, nominated and appointed by this Court as a Commissioner and Receiver of the aforesaid Duties of Impost and Tunnage of Shipping, and for the Inspection, Care and Management of the said Office, and whatever relates thereto, to receive Commission from the Governor or Commander in Chief for the Time being, with Authority to substitute and appoint a Deputy-Receiver in each Port or other Places besides that in which he resides, and to grant Warrants to such Deputy-Recipients for the said Place; and to collect and receive the Impost and Tunnage of Shipping as aforesaid, that shall become due within such Port; and to render the Account thereof, and to pay in the same to the said Commissioner and Receiver; which said Commissioner and Receiver shall keep fair Books of all Entries and Duties arising by Virtue of this Act; also a particular Account of every Vessel, so that the Duties of Impost and Tunnage arising on said Vessel may appear; and the same to be open at all reasonable Times to the View and Perusal of the Treasurer or Receiver General of this Province, (or any other Person or Persons whom this Court shall appoint) with whom he shall account for all Collections and Payments; and pay all such Monies as shall be in his Hands as the Treasurer or Receiver-General shall demand it. And the said Commissioner or Receiver, and his Deputy or Deputies, before their entering into Execution of their Office aforesaid, shall be sworn to deal truly and faithfully therein; and shall attend in said Office from Ten of the Clock in the Forenoon until One of the Clock in the Afternoon. And the said Commissioner or Receiver for his Labor, Care and Expences in the said Office, shall have and receive out of the Province-Treasury at the Rate of Sixty Pounds per Annum: And his Deputy or Deputies shall receive for their Services such Sums as the Commissioner of Impost, together with the Province-Treasurer, shall judge necessary for whatever Sums they shall receive and pay. And the Treasurer is hereby ordered in passing and receiving the said Commissioner's Accounts accordingly to allow the Payment of such Salary or Salaries as aforesaid, to himself and his Deputies.

And be it further enacted, That all Penalties, Fines and Forfeitures accruing or arising in Consequence of any Breach of this Act, shall be one Half to his Majesty for the Use of this Province, and the other Half to him or them that shall seize, inform and sue for the same, by Action of Debt, Presentment or Indictment of the Grand Jury in any of his Majesty's Courts of Record, wherein no Essoign, Protection or Wager of Law shall be allowed; the whole Charge of the Prosecution to be taken out of the half belonging to the Informer.

Disposition of Forfeitures.

And be it further enacted, That from and after the Commencement of this Act, in all Causes wherein any Claimant shall appear, and shall not make good the Claim, the Charges of Prosecution shall be borne and paid by the said Claimant, and not by the Informer.

Charges of Prosecution how to be paid in case.

C H A P. II.

An Act to enable Robert Pierpoint to collect the Taxes un-collected by Samuel Adams, late Collector of Taxes for the Town of Boston.

Preamble.

WHEREAS the Town of Boston at their Meeting in March last, upon the Petition of Samuel Adams, late a Collector of Taxes upon diverse Reasons by him given, thought it for the Interest of the Town, to make Choice of Robert Pierpoint to receive as a Collector the Tax Books and Rate Bills with proper Warrants, and to collect the outstanding Taxes within the District or Ward of the said Samuel Adams; but as the Person thus chosen cannot proceed without the Aid of an Act of the General Assembly:

Robert Pierpoint to collect Taxes uncollected by Sam. Adams.

Be it therefore enacted by the Governor, Council, and House of Representatives, That the said Choice be confirmed, and the same is hereby confirmed, and the said Robert Pierpoint is enabled to all intents and purposes to collect said outstanding Taxes un-collected by the said Samuel Adams, and that the said Robert Pierpoint be impowered to collect the same, and the present Assessors of the Town of Boston, are hereby impowered and directed to issue their Warrant or Warrants to the said Robert Pierpoint, requiring him to collect what remains un-collected of the several Taxes heretofore committed to the said Samuel Adams, to collect by force of any Warrants to him directed by former Assessors for that purpose.

C H A P. III.

An Act for reviving and continuing sundry Laws that are expired and near expiring.

Acts reviv'd, for providing for the levying and collecting Taxes, &c.

for allowing necessary Supplies to the Eastern Indians, &c.

for establishing the Fees of the several Officers.

for preventing Frauds by the Adulteration of Pot Ash, &c.

relating to the Removal of Poor Persons.

WHEREAS the several Acts herein after mentioned, which are now expired or near expiring, have been found useful and beneficial, viz. One Act made in the first Year of his present Majesty's Reign intitled "An Act providing for the levying and collecting of Taxes in Plantations that are not incorporated." Two Acts made in the fifth Year of the said Reign, one intitled "An Act for allowing necessary Supplys to the Eastern Indians and for regulating Trade with them and preventing Abuses therein," the other intitled "An Act for establishing and regulating the Fees of the several Officers within this Province." Two Acts made in the seventh Year of the said Reign, one intitled "An Act to prevent Frauds by the Adulteration of Pot Ash and Pearl Ash," the other intitled "An Act in Addition to the several Laws already made relating to the Removal of Poor Persons out of the Towns whereof they are not Inhabitants."

Be it therefore enacted by the Governor, Council, and House of Representatives, That such of the before mentioned Acts as are expired be revived, and such of said Acts as are not yet expired be continued, with all and every Clause, Matter and Thing therein respectively contained, and shall be in force until the twelfth Day of June, one Thousand seven Hundred and seventy.

C H A P.

C H A P. IV.

An Act for Supplying the Treasury with the Sum of Eighty-eight Thousand One Hundred and Fifty-eight Pounds, to be thence issued for discharging the public Debts, and drawing the same into the Treasury again.

WHEREAS it is necessary in order to support the Faith and Preamble, Credit of the Government, that Provision be made by the General Court for discharging the Debts that will become due in June, One thousand seven hundred and seventy; also to enable the Treasurer to compleat the Payments of the Receipts or Obligations by him given in Behalf of the Province that will become due the present Year.

Be it enacted by the Governor, Council, and House of Representatives, That the Treasurer of the Province be, and he hereby is empowered and directed to borrow from such Person or Persons as shall be willing to lend the same from Time to Time, as he shall have occasion for the Money, a Sum not exceeding Eighty-eight Thousand One Hundred and Fifty-eight Pounds, in mill'd Dollars at six Shillings each, or in the several species of coined Silver and Gold, enumerated in an Act made and passed in the twenty-third Year of his late Majesty King George the second intituled, *An Act for ascertaining the Rates at which coined Silver and Gold, English half-pence and Farthings may pass within the Government* and the Sum so borrowed shall be applied in Manner as in this Act is hereafter directed; and for the said sum, the Treasurer shall give his Receipt or Obligation in the Form following,

Province of the Massachusetts-Bay.

The Day of A. D.
Borrowed and Received of the Sum of for the Use and Service of the Province of the Massachusetts-Bay, and in behalf of said Province, I do hereby promise and oblige myself and Successors in the Office of Treasurer, to repay the said or to his Order, the 20th Day of June, A. D. One Thousand seven Hundred and Seventy-one, the aforesaid Sum of in Spanish mill'd Dollars, at six Shillings each, or in the several Species of coined Silver and Gold, enumerated in an Act made and passed in the twenty-third Year of his late Majesty King George the Second, intituled, *An Act for ascertaining the Rates at which coined Silver and Gold, English half-Pence and Farthings may pass within the Government*; and according to the Rates therein mentioned with Interest annually at five per Cent.

Witness my Hand,

A. B. }
C. D. } Committee.
E. F. }

H. G. Treasurer

And no Receipt shall be given for less than six Pounds. And the Treasurer in issuing said Receipts or Obligations, and the Committee chosen to countersign them, shall observe and be governed by the Rules and

Regulation of the Sum, and Manner of issuing the Notes.

Directions given them by an Act of this Province, made in the second Year of his present Majesty's Reign, intituled, *An Act to Supply the Treasury with the Sum of Twenty-five Thousand Pounds.*

Appropriations.

And be it further enacted, That the Sum of Thirteen Thousand one Hundred and Fifty-eight Pounds, part of the aforesaid Sum of Eighty-eight Thousand one Hundred and Fifty-eight Pounds when received into the Treasury, shall be issued in the Manner, and for the Purposes following, That is to say, the Sum of Three Thousand Pounds, part of the aforesaid Sum of Thirteen Thousand one Hundred and Fifty-eight Pounds, shall be applied for the Payment of the Expences of the several Forts and Garrisons within this Province; and the further Sum of Four Hundred Pounds, part of the aforesaid Sum of Thirteen Thousand one Hundred and Fifty-eight Pounds, shall be applied to the purchasing Provisions, and the Commissary's Disbursements, for the several Forts and Garrisons within this Province; and the further Sum of Six Thousand Pounds, part of the aforesaid Sum of Thirteen Thousand one Hundred and Fifty-eight Pounds shall be applied for the payment of the Grants made or to be made by this Court: and the further Sum of One Thousand Pounds, part of the aforesaid Sum of Thirteen Thousand one Hundred and Fifty-eight Pounds, shall be applied for the Discharge of Debts owing from this Province to Persons that have served and shall serve them by Order of this Court, in such Matters and Things where there is no Establishment, nor any certain Sum assigned them for that Purpose; and for Writing Printing and Paper for this Court, and Repairs of the Province-House, Court-House, Light-House, Wood at Castle-William and Repairs of Fortifications within this Province; and the further Sum of Two thousand Five Hundred Pounds, part of the aforesaid Sum of Thirteen Thousand one Hundred and Fifty-eight Pounds, shall be applied for the Payment of his Majesty's Council, and the Members of the House of Representatives, serving in the Great and General Court during the several Sessions of the last and present Year; and the further Sum of one Hundred and Fifty-eight Pounds, part of the aforesaid Sum of thirteen Thousand one Hundred and Fifty-eight Pounds, shall be applied for the Payment of the Bounty upon Wheat and Flour; and the further Sum of One Hundred Pounds, being the Remainder of the aforesaid Sum of Thirteen Thousand one Hundred and Fifty-eight Pounds, shall be applied to pay such contingent and unforeseen Charges as may arise, and for no other Purpose whatsoever.

Treasurer to
pay out of Ap-
propriation
directed by
Warrant.

And be it further enacted, That the Treasurer pay the aforesaid Sum of Thirteen Thousand one Hundred and Fifty-eight Pounds out of such Appropriations as shall be directed by Warrant, and no other.

£. 75,000
for Redemp-
tion of Go-
vernment Se-
curities.

And be it further enacted, That the Sum of Seventy-five Thousand Pounds, being the Remainder of the Sum ordered to be borrowed by this Act, when received into the Treasury, be applied by the Treasurer for the Redemption of Government Securities, that will become due the Twentieth Day of June, One Thousand seven Hundred and seventy. And in order to draw said Money into the Treasury again, and enable the Treasurer effectually to discharge the Receipts and Obligations (with the Interest that may be due thereon) by him given in pursuance of this Act.

Tax granted
of £. 92,500

Be it enacted, That there be, and hereby is granted unto his most excellent Majesty a Tax of Ninety-two Thousand Five Hundred Pounds,

to

Alewives and other Fish.

413

to be levied on Polls and Estates both real and personal, within this Province, according to such Rules and in such Proportions on the several Towns, Districts, Parishes and other Places, within this Province, as shall be agreed on, and ordered by the General Court or Assembly, at their Sessions in *May*, One Thousand seven Hundred and seventy, and to be paid into the public Treasury on or before the Thirty-first Day of *March*, A. D. One Thousand seven Hundred and seventy-one.

And be it further enacted, That if the General Court at their Sessions in *May*, One Thousand seven Hundred and seventy, and some Time before the Twentieth Day of *June* in said Year, shall not agree and conclude upon an act apportioning the Sums which by this Act are engaged to be paid in said Year apportioned, assessed, and levied; then and in such Case, each Town, District, Parish and other Place within this Province, shall pay by a Tax to be levied on the Polls and Estates both real and personal within their Limits, the same Proportion of said Sum as the said Towns, Districts, Parishes and other Places, were Taxed by the General Court in the Tax Act then last preceding; and the Province Treasurer is hereby fully empowered and directed sometime in the Month of *June*, in the same Year One Thousand seven Hundred and seventy to issue & send forth his Warrants, directed to the Assessors or Selectmen of each Town and District within this Province, requiring them to assess the Polls and Estates both real and Personal within their several Towns and Districts, for their respective Parts and Proportions of the Sums before directed and agreed to be assessed, to be paid into the Treasury at or before the last mentioned Time; and the Assessors, as also Persons assessed, shall observe, be governed by, and subject to all such Rules and Directions as shall have been given in the then last preceding Tax-Act.

C H A P. V.

An Act to prevent the Destruction of Alewives and other Fish in *Ipswich* River, and to encourage the encrease of the same.

WHEREAS heretofore great variety of Fish, particularly Salmon, Bass, Shad and Alewives, used to pass up *Ipswich* River (so called) to cast their Spawn in the natural Ponds emptying into the same; but for a long Time past the Passage of the said Fish up the said River by Mill Dams across the said River and it's Branches, has been almost totally obstructed, to the great Damage and Distress of the Inhabitants (especially the Poor) of divers Towns in the County of Essex and Middlesex, thro' which the said River and it's Branches run, as well as to the prejudice of the Cod Fishery on the Coasts of the Province: And Whereas the Laws now in Force relating to opening and keeping open Passages for Fish in Rivers and Streams within this Province, are by Experience found to be ineffectual for opening a sufficient Passage for the said Fish up the River aforesaid.

Be it therefore enacted by the Governor, Council, and House of Representatives, in General Court assembled, That the Proprietor or Proprietors of the Dam across *Ipswich* River, commonly called *Warner's Mill* Dam, and also the Proprietor or Proprietors of the Dam at *Farley's Mills* (so called) be and they hereby are required henceforward at their own Cost and Charge, in proportion to their several Interests, to make and keep open a Passage for the Fish thro'

thro' their respective Dams, from the twentieth Day of *April* to the fifteenth Day of *June* annually; and that the said Passage be made within four Feet of the Northerly End of each of said Dams, six Feet Wide to extend from the Top of the said Dam, and as low as the Mud Sills of the same, and that during the said Time the Bottom of the said Passage be covered with flat Stones or Gravel, in such a Manner as that the Bottom be not raised higher than the Sills.

Proprietors of the Floom at *Cboat's Mills* required to keep open a passage in the same Manner as *Warner's & Farley's*, on Penalty.

Sluices or Passages to be kept open.

Penalty for taking Fish after a certain Time.

Saw Mills not to work during such Time as the Passages are open for the Fish, on Penalty.

And be it further enacted, That the Proprietor or Proprietors of the Floom at *Cboat's Mills* (so called) in said Town, be and they hereby are required henceforward during the Time aforesaid annually, to keep open a Passage six Feet Wide, thro' the said Floom, in the same Manner as the Proprietors of *Warner's* and *Farley's* Mills are herein before required and enjoined, where the Waste Gate now is, on Pain that the Proprietor or Proprietors of either of the aforesaid Mills neglecting to observe the Directions of this Act in any of the Instances before mentioned, shall forfeit the Sum of *Fifty Pounds*, to be recovered of them, or either of them by Action of Debt in any of his Majesty's Courts of Record in the County where the Offence shall be committed, to be disposed of as follows, *viz.* One Moiety to him who shall sue for the same, the other Moiety to the Poor of the Town where the Offence shall be committed.

And be it further enacted, That the Sluices or Passages thro' or by all other Mill Dams now erected, or that shall hereafter be erected upon the said River, or upon any Stream or Streams running from any natural Pond into the same (provided the said Mill Dam be below the same Ponds) shall be open and kept open according as is already directed by the Laws of the Province now in Force; and that the Proprietor or Proprietors of such Mill Dam shall make, maintain and keep open said Sluices, or Passages at their own Cost and Charge, in the same Manner as is heretofore in this Act provided with regard to the Passages thro' *Warner's* and *Farley's* Mill Dam, and under the same Penalty for every Neglect to be recovered and disposed of in the same Manner.

And be it further enacted, That every Person who shall after the fifteenth Day of *April*, which will be in the Year of our Lord one Thousand seven Hundred and Seventy, presume to take Fish of any Kind in said River or it's Branches, or any of the Ponds emptying themselves into it, with Seans or drag Nets of any kind, shall forfeit for every such Offence the Sum of *Five Pounds*, to be recovered in any of his Majesty's Courts of Record in the County of *Essex*, one Moiety to him who shall sue for the same, the other Moiety to the Poor of the Town where the Offence shall be committed.

And Whereas it has been found by Experience that Saw Dust floating in Streams where Fish pass does much obstruct their Passage.

Be it further enacted, That during the Time in which Passages for the Fish are by this Act ordered to be kept open, none of the Saw Mills on the said River, or any of the Streams running from natural Ponds in the same shall be suffered to go for the cutting any Wood or Timber in the same, upon Pain that every Person who shall Saw any Wood or Timber in any of the said Saw Mills during the Time aforesaid, shall for every such Offence forfeit and pay the Sum of *Ten Pounds*, to be recovered to his own proper Use, by any Person who shall sue for the same in any of his Majesty's Courts of Record proper to try the same.

This Act to continue and be in Force until the Fifteenth Day of *April*, one Thousand seven Hundred and seventy-three and no longer.

C H A P. VI.

An Act to impower the East Precinct in Salem where the Rev. Mr. *James Diman* now Officiates, to raise Money for defreying Ministerial and other necessary Charges of said Precinct.

WHEREAS it is found inconvenient to raise Money for defreying Ministerial and other Charges in the East Precinct in Salem, Preamble. by an Assessment or Tax on Polls and Estates in said Precinct.

Be it therefore enacted by the Governor, Council, and House of Representatives, That the Freeholders and other Inhabitants of the said Freeholders East Precinct in Salem, legally qualified to Vote in Precinct Affairs, be of Salem East and they are hereby authorized and impowered at any Meeting of said Precinct duly called and warned for that purpose, annually in March, levy a Tax during the continuance of this Act, to grant a Tax or Assessment not on Pews, &c. exceeding Fifty Pounds, on such of the Pews and other Seats in said Meeting House as they shall judge reasonable, and such Inhabitants are hereby impowered from Time to Time, to determine in what proportion the Owners or Occupants of such Pews or Seats shall pay towards the Sum that may be granted as aforesaid, and the Time and Manner of payment: And the said Parish at any such Meeting as aforesaid may appoint a Collector or Collectors to collect the Sum so agreed to be raised; who shall be sworn to the faithful discharge of their Trust, and shall pay and deliver the Money which he or they shall collect to the Treasurer of said Precinct, to be applied from Time to Time, as said Precinct shall order, for defreying the Ministerial and other Charges of said Precinct, and in Case any Proprietor or Occupant of any such Pew or Seat shall neglect to pay the Sum assessed thereon for two Years, having due Notice thereof from the Collector for the Time being, then and in that Case, it shall and may be lawful, and the Committee of said Precinct for the Time being, are hereby impowered to sell the said Pew or Seat of such delinquent for the most it will fetch at public Sale, to be advertised at least fifteen Days before said Sale, and after paying the Tax then due on said Pew or Seat with the Charge of said Sale, the remainder, if any, shall be returned to the Owner.

This Act to be in Force for three Years from the first Day of August next. Continuance.

The foregoing Acts were Published July 15, 1769.

BOSTON, New-England :

Printed by Richard Draper, and Green & Russell,
Printers to the Government. 1769.

Notes and Laws part 1769

21.IY60

